

<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent &amp; Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
filed in the U.S. District Court NDCA, San Francisco Division on the following ☒ Patents or ☐ Trademarks:


DOCKET NO. <b>CV 11-03975 SI</b>	DATE FILED 8/15/11	U.S. DISTRICT COURT Northern District of California, 450 Golden Gate Avenue, San Francisco, CA
PLAINTIFF <b>PROCONGPS INC INC</b>		DEFENDANT <b>STAR SENSOR LLC</b>
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 <b>6,025,774</b>		*SEE ATTACHED COMPLAINT*
2		
3		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

<b>DECISION/JUDGEMENT</b>
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CLERK Richard W. Wicking	(BY) DEPUTY CLERK  Yumiko Sato	DATE August 16, 2011
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Copy 1—Upon initiation of action, mail this copy to Commissioner    Copy 3—Upon termination of action, mail this copy to Commissioner  
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner    Copy 4—Case file copy

- 1 infringement of others and/or contributing to the infringement by others) infringed  
2 one or more claims of the '774 Patent and one or more claims of the '217 Patent;  
3 b. A permanent injunction enjoining Defendants and their officers, directors, agents,  
4 servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all  
5 others acting in active concert or participation with them, from infringing the '774  
6 Patent and the '217 Patent;  
7 c. A judgment and order requiring Defendants to pay Procon its damages (including  
8 a reasonable royalty and/or lost profits), costs, expenses, and pre-judgment and  
9 post-judgment interest for Defendants' infringement of the '774 Patent and the  
10 '217 Patent;  
11 d. A Judgment and order finding that Defendants willfully infringed the '774 Patent  
12 and the '217 Patent, and trebling damages under 35 U.S.C. § 284;  
13 e. A judgment and order finding that this is an exceptional case within the meaning  
14 of 35 U.S.C. § 285 and awarding Procon its reasonable attorneys' fees and costs;  
15 and  
16 f. Any other relief as the Court deems just and proper.

17  
18 Dated: August 11, 2011

19 By:   
20

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NORTHERN DISTRICT OF CALIFORNIA

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10 Attorneys for Plaintiff,  
11 ProconGPS, Inc.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14 CV 11 3975

16 PROCONGPS, INC., a Tennessee  
17 Corporation,

18 Plaintiff,

19 v.

20 STAR SENSOR, LLC, a California  
21 Limited Liability Company; JIM  
22 SCHUMACHER, a California Limited  
23 Liability Company (d/b/a GPS Vehicle  
24 Finder); JIM SCHUMACHER, an  
individual; TONY RANGEL, an  
individual; SKYPATROL, LLC., a Florida  
Limited Liability Corporation,

25 Defendants.

CASE NO.

COMPLAINT FOR PATENT  
INFRINGEMENT

DEMAND FOR JURY TRIAL

26 Plaintiff ProconGPS, Inc., by and through its attorneys, hereby alleges for its Complaint  
27 against Defendants Star Sensor Technology, LLC, Jim Schumacher, LLC, Mr. Jim Schumacher,  
28

1 Mr. Tony Rangel, and Skypatrol, LLC, (collectively, "Defendants") the following.

2 **PARTIES**

3 1. ProconGPS, Inc. ("Procon") is a corporation organized under the laws of the State  
4 of Tennessee with its principal place of business at 2035 Lakeside Centre Way, Suite 125  
5 Knoxville, Tennessee 37922 and facilities in Irvine, California, and is doing business in this  
6 district.

7 2. On information and belief, Star Sensor Technology, LLC ("Star Sensor") is a  
8 limited liability company organized under the laws of the State of California with its principal  
9 place of business at 5753-G E. Santa Ana Canyon Rd. Anaheim Hills, California 92807 and is  
10 doing business in this district. On information and belief, Defendant Star Sensor was organized  
11 by Tony Rangel, currently a member of Star Sensor.

12 3. On information and belief, Jim Schumacher, LLC ("Schumacher LLC") is a  
13 limited liability company organized under the laws of the State of California with its principal  
14 place of business at 367 Ogle St., Costa Mesa, California, 92627, and is doing business in this  
15 district.

16 4. On information and belief, Jim Schumacher is an individual residing in Newport  
17 Beach, California, and is the sole member of Jim Schumacher, LLC. On information and belief,  
18 Jim Schumacher also cofounded Star Sensor and is doing business in this District.

19 5. On information and belief, Tony Rangel is an individual residing in Chino Hills,  
20 California, is a member of Star Sensor, and is doing business in this district.

21 6. On information and belief, SkyPatrol, LLC. ("Skypatrol") is a limited liability  
22 company organized under the laws of the State of Florida with its principal place of business at  
23 3055 NW 84th Avenue, Miami, Florida 33122 and is doing business in this district.

24 **JURISDICTION AND VENUE**

25 7. This is an action for patent infringement arising under the patent laws of the  
26 United States, Title 35 of the United States Code. Jurisdiction as to these claims is conferred on  
27 this Court by 28 U.S.C. §§ 1331 and 1338(a).

28 8. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b). On

1 information and belief, Defendants have committed acts of direct and/or indirect infringement in  
2 this judicial district and/or have purposely transacted business in the infringing goods and/or  
3 services in the State of California and in this judicial district.

4 9. On information and belief, this Court has personal jurisdiction over Defendants  
5 because Defendants transact business in the State of California and in this District. On  
6 information and belief, Defendants either directly or through intermediaries, solicited business,  
7 conducted and do conduct business, ship, distribute, offer for sale, and/or sell products and  
8 services in California and within this judicial district. Upon information and belief, Defendants  
9 derive substantial revenue from their acts of infringement within the State of California and in  
10 this District.

#### 11 INTRADISTRICT ASSIGNMENT

12 10. This is an Intellectual Property Action to be assigned on a district-wide basis  
13 pursuant to Civil Local Rule 3-2(c).

#### 14 THE ASSERTED PATENTS

15 11. On February 15, 2000, the United States Patent and Trademark Office ("USPTO")  
16 duly and legally issued U.S. Patent No. 6,025,774 ("774 Patent"), entitled "Method for  
17 Retrieving Vehicular Collateral." A true and correct copy of the '774 Patent is attached as  
18 **Exhibit 1.**

19 12. On June 19, 2001, the USPTO duly and legally issued U.S. Patent No. 6,249,217  
20 ("217 Patent"), entitled "Method for Retrieving Vehicular Collateral." A true and correct copy of  
21 the '217 Patent is attached as **Exhibit 2.**

22 13. Procon is the exclusive owner of the '217 Patent and the '774 Patent by  
23 assignments filed with the USPTO on July 11, 2011.

#### 24 BACKGROUND

25 14. Plaintiff Procon was established in 2002 to provide wireless security and mobile  
26 security products and services. Procon has grown to be the leading service provider of location-  
27 based products and services, including products and services that perform tracking based on  
28 global positioning System ("GPS") data. Procon has designed, developed, marketed, and sold

1 GPS tracking devices and solutions for several years. The GPS tracking devices from Procon  
2 enable customers to locate and track vehicles across Procon's North American data network.

3 15. In March 2008, Procon entered into non-exclusive licenses for the '774 and '217  
4 Patents from their prior owner. Using these licenses, Procon built their GPS tracking business  
5 from \$15 million in 2007 to over \$70 million in 2010. On or about June 27, 2011, Procon  
6 purchased the patents from the licensor.

7 16. The inventions embodied in the '774 and '217 Patents have helped Procon  
8 revolutionize the vehicle finance tracking industry. Due to the enormous cost savings and  
9 improved security provided by the method of recovering collateral as claimed in the '774 and  
10 '217 Patents, auto dealers and financial institutions are able to offer their products and services to  
11 a dramatically wider market.

12 17. On information and belief, Jim Schumacher is a former sales representative at a  
13 reseller of Procon's products and services and is an experienced sales representative in the  
14 industry.

15 18. On information and belief, in or about 2005, Jim Schumacher organized Jim  
16 Schumacher LLC, an entity based in Costa Mesa, California, and doing business as GPS Vehicle  
17 Finder, which operates an Internet website at <http://www.gpsvehiclefinder.com> wherein it sells  
18 and offers for sale GPS tracking products and services which infringe the '774 and '217 Patents.

19 **COUNT I**

20 **(Infringement of the '774 Patent)**

21 19. Procon incorporates and realleges paragraphs 1-18 as if fully set forth herein.

22 20. Defendant Skypatrol has been and is now infringing, directly, literally and/or  
23 under the doctrine of equivalents, and/or indirectly (by way of inducing infringement of others  
24 and/or contributing to the infringement by others), the '774 Patent by, among other things,  
25 making, using, operating, importing, offering to sell, and/or selling products such as Skypatrol's  
26 Passport GPS tracking device, and/or offering to sell, selling and/or providing services under  
27 programs such as Skypatrol's Fleet Management Solutions, Payment Assurance Solutions,  
28 Vehicle Location services, GPS Tracking Solutions, GPS Tracking System and Buy Here Pay

1 Here programs, which implement methods of securing collateral that are covered by one or more  
2 claims of the '774 Patent, including without limitation independent claim 1. Thus, defendant  
3 Skypatrol is liable for infringement of the '774 Patent under 35 U.S.C. § 271.

4 21. On information and belief, Skypatrol's infringement of the '774 Patent is and has  
5 been willful. On information and belief, as a result of a comprehensive analysis Skypatrol  
6 previously conducted of the '774 Patent, the USPTO's June 28, 2011 publication of a Certificate  
7 of Reexamination, and following a notification from Procon of the '774 Patent, Skypatrol has  
8 been aware, or should have been aware, of the '774 Patent since its issuance on February 15,  
9 2000.

10 22. Skypatrol did not cease its willful infringement of the '774 Patent. Skypatrol  
11 disregarded and continues to disregard the fact that its actions constitute infringement of the '774  
12 Patent. This risk of infringement was known or is so obvious that it should have been known to  
13 Skypatrol.

14 23. Defendants Star Sensor, Tony Rangel, Jim Schumacher and Jim Schumacher LLC  
15 have been and are now infringing, directly, literally and/or under the doctrine of equivalents,  
16 and/or jointly and/or indirectly (by way of inducing infringement of others and/or contributing to  
17 the infringement by others) the '774 Patent in California and in this district and throughout the  
18 United States by, among other things, making, using, operating, importing, offering to sell, and/or  
19 selling products such as the ES101 GPS/GPRS module and the LCS-1 GPS tracking device,  
20 and/or offering to sell, selling and/or providing services under programs such as Star Sensor's  
21 Fleet & Dispatch Solutions, Trailer Monitoring Solutions, Container Tracking Solutions,  
22 Personal/Portable Solutions, Automotive Applications and/or other GPS tracking solutions  
23 programs, which implement one or more methods of securing collateral that are covered by one  
24 or more claims of the '774 Patent, including without limitation, independent claim 1. Defendants  
25 Star Sensor, Tony Rangel, Jim Schumacher and Jim Schumacher LLC are thus liable for  
26 infringement of the '774 Patent pursuant to 35 U.S.C. § 271.

27 24. On information and belief, Star Sensor, Tony Rangel, Jim Schumacher and Jim  
28 Schumacher LLC's infringement of the '774 Patent is and has been willful. Star Sensor, Tony

1 Rangel, Jim Schumacher, and Jim Schumacher, LLC, have known or should have known of the  
2 '774 Patent since its issuance on February 15, 2000. On information and belief, Jim Schumacher,  
3 through Jim Schumacher LLC, was a reseller of Procon's products and services before  
4 establishing Star Sensor, and knew or should have known of the '774 Patent, pre-existing  
5 licensees of the '774 Patent, and the necessity for a license for Star Sensor, Tony Rangel, Jim  
6 Schumacher, and Jim Schumacher, LLC to make, use, operate, import, offer to sell, and/or sell  
7 products and services implementing one or more methods covered by one or more claims of the  
8 '774 Patent.

9 25. On information and belief, Star Sensor, Tony Rangel, Jim Schumacher, and Jim  
10 Schumacher LLC have not ceased their willful infringement of the '774 Patent, and disregarded  
11 and continue to disregard the fact that their actions constitute infringement of the '774 Patent. On  
12 information and belief, this risk has been known, or is so obvious, that it should have been known  
13 to Star Sensor, Tony Rangel, Jim Schumacher, and Jim Schumacher LLC.

14 26. Upon information and belief, all Defendants committed these acts of infringement  
15 without license or authorization.

16 27. As a result of Defendants' infringement of the '774 Patent, Procon has suffered  
17 monetary damages in an amount not yet determined, and Procon will continue to suffer severe  
18 and irreparable harm unless this Court issues a permanent injunction prohibiting Defendants from  
19 infringing the '774 Patent.

## 20 COUNT II

### 21 (Infringement of the '217 Patent)

22 28. Plaintiff incorporates and realleges the allegations of paragraphs 1-27 as if fully set  
23 forth herein.

24 29. Defendant Skypatrol has been and is now infringing, directly, literally and/or  
25 under the doctrine of equivalents, and or jointly and/or indirectly (by way of inducing  
26 infringement of others and/or contributing to the infringement by others), the '217 Patent by,  
27 among other things, making, using, operating, importing, offering to sell, and/or selling products  
28 such as Skypatrol's Passport GPS tracking device, and/or offering to sell, selling and/or providing



1 services under programs such as Skypatrol's Fleet Management Solutions, Payment Assurance  
2 Solutions, Vehicle Location services, GPS Tracking Solutions, GPS Tracking System and Buy  
3 Here Pay Here programs, which implement methods of securing collateral that are covered by one  
4 or more claims of the '217 Patent, including independent claim 1. Defendant Skypatrol is thus  
5 liable for infringement of the '217 Patent under 35 U.S.C. § 271.

6 30. On information and belief, Skypatrol's infringement of the '217 Patent is and has  
7 been willful. On information and belief, as a result of a comprehensive analysis Skypatrol  
8 previously conducted of the '217 Patent, the USPTO's June 7, 2011 publication of a Certificate of  
9 Reexamination, and following a notification from Procon of the '217 Patent, Skypatrol has been  
10 aware, or should have been aware, of the '217 Patent since its issuance on June 19, 2001.

11 31. Skypatrol has not ceased its willful infringement of the '217 Patent. Skypatrol  
12 disregarded and continues to disregard the fact that its actions constitute infringement of the '217  
13 Patent. This risk of infringement was known or is so obvious that it should have been known to  
14 Skypatrol.

15 32. Defendants Star Sensor, Tony Rangel, Jim Schumacher and Jim Schumacher LLC  
16 have been and are now infringing, directly, literally and/or under the doctrine of equivalents,  
17 and/or jointly and/or indirectly (by way of inducing infringement of others and/or contributing to  
18 the infringement by others) the '217 Patent in California, in this district, and throughout the  
19 United States by, among other things, making, using, operating, importing, offering to sell, and/or  
20 selling products such as the ES101 GPS/GPRS module and the LCS-1 GPS tracking device,  
21 and/or offering to sell, selling and/or providing services under programs such as Star Sensor's  
22 Fleet & Dispatch Solutions, Trailer Monitoring Solutions, Container Tracking Solutions,  
23 Personal/Portable Solutions, Automotive Applications, and/or other GPS tracking solutions  
24 programs, which implement one or more methods of securing collateral that are covered by one  
25 or more claims of the '217 Patent, including without limitation, independent claim 1. Defendants  
26 Star Sensor, Tony Rangel, Jim Schumacher and Jim Schumacher LLC are thus liable for  
27 infringement of the '217 Patent pursuant to 35 U.S.C. § 271.

28 33. On information and belief, Star Sensor, Tony Rangel, Jim Schumacher and Jim

1 Schumacher LLC's infringement of the '774 Patent is and has been willful. Star Sensor, Tony  
2 Rangel, Jim Schumacher, and Jim Schumacher, LLC, have known or should have known of the  
3 '217 Patent since its issuance on June 19, 2001. On information and belief, Jim Schumacher,  
4 through Jim Schumacher LLC, was a reseller of Procon's products and services before  
5 establishing Star Sensor, and knew or should have known of the '217 Patent, pre-existing licenses  
6 to use the '217 Patent, and the necessity for a license for Star Sensor, Tony Rangel, Jim  
7 Schumacher, and Jim Schumacher, LLC to make, use, operate, import, offer to sell, and/or sell  
8 products and services implementing one or more methods covered by one or more claims of the  
9 '217 Patent.

10 34. On information and belief, Star Sensor, Tony Rangel, Jim Schumacher, and Jim  
11 Schumacher LLC have not ceased their willful infringement of the '217 Patent, and disregarded,  
12 and continue to disregard, the fact that their actions constitute infringement of the '217 Patent.  
13 On information and belief, this risk has been known, or is so obvious, that it should have been  
14 known to Star Sensor, Tony Rangel, Jim Schumacher, and Jim Schumacher LLC.

15 35. Upon information and belief, all Defendants committed these acts of infringement  
16 without license or authorization.

17 36. As a result of Defendants' infringement of the '217 Patent, Procon has suffered  
18 monetary damages in an amount not yet determined, and Procon will continue to suffer severe  
19 and irreparable harm unless this Court issues a permanent injunction prohibiting Defendants, their  
20 agents, servants, employees, representatives, and all others acting in active concert therewith from  
21 infringing the '217 Patent.

#### 22 **DEMAND FOR JURY TRIAL**

23 Plaintiff Procon requests a trial by jury of any issues so triable.

#### 24 **PRAYER FOR RELIEF**

25 For the foregoing reasons, Procon respectfully asks this Court to grant the following relief  
26 in favor of Procon and against Defendants:

- 27 a. A judgment in favor of Procon that the Defendants have directly (literally and/or  
28 under the doctrine of equivalents), and/or indirectly (by way of inducing